

Message Text

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14

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C O N F I D E N T I A L SEOUL 8575

E.O. 11652: GDS

TAGS: PBOR KS KN MARR

SUBJECT: ROK LEGAL POSITION ON NORTHWEST COASTAL INCIDENTS

REF: SEOUL 8574

FOLLOWING IS VERBATIM TEXT OF MOFA LEGAL POSITION PAPER DESCRIBED SEP
TEL:

BEGIN QUOTE

NORTH KOREA'S RECENT PROVOCATIONS AGAINST THE
ARMISTICE ON THE KOREAN PENINSULA

1. RECENT SITUATION ON THE KOREAN PENINSULA

A. AT THE 346TH MILITARY ARMISTICE COMMISSION
MEETING HELD AT PANMUNJUM ON DECEMBER 1, 1973, THE
NORTH KOREAN SIDE PUT FORWARD AN ABSURD CLAIM THAT
THE WATERS CONTIGUOUS TO THE FIVE-ISLAND GROUP
UNDER THE MILITARY CONTROL OF THE UNITED NATIONS
COMMAND, NAMELY PAENGYONG-DO, TAECHONG-DO, SOCHONG-DO,
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YONGPYONG-DO AND U-DO, OFF THE WEST COAST OF THE KOREAN

PENINSULA, ARE WITHIN NORTH KOREAN "COASTAL WATERS," AND DEMANDED THAT ALL VESSELS SAILING TO THE ISLANDS GROUP SHOULD OBTAIN PRIOR PERMISSIONS FROM THE NORTH

KOREAN AUTHORITIES. THE NORTH KOREAN SIDE FURTHER NOTIFIED THE UNITED NATIONS COMMAND SIDE THAT IT WOULD TAKE "PROPER STEPS (SEVERE PUNISHMENT)" AGAINST THOSE VESSELS SAILING TO THE AREA WITHOUT PERMISSIONS, AND THAT THE UNC SIDE SHOULD BEAR THE SOLE RESPONSIBILITY FOR CONSEQUENCES ARISING THEREFROM.

B. SINCE OCTOBER 23, 1973, THE NORTH KOREAN NAVAL VESSELS HAVE BEEN CARRYING OUT A SERIES OF PROVOCATIVE NAVAL MANEUVERS IN THE WATERS SOUTH OF THE NORTHERN LIMIT LINE (NLL) AND IN THE CONTIGUOUS WATERS OFF THE FIVE-ISLANDS GROUP. IN PARTICULAR, THE NORTH KOREAN NAVAL VESSELS HAVE ILLEGALLY INTRUDED, ON NINE DIFFERENT OCCASIONS, TO POINTS RANGING FROM 5,000 TO 1,000 YARDS IN THE CONTIGUOUS WATERS OFF THE SAID ISLANDS DURING THE PERIOD FROM NOVEMBER 19 TO DECEMBER 19, 1973.

2. RELEVANT PROVISIONS OF THE ARMISTICE AGREEMENT AND ESTABLISHED ARMISTICE REGIME

A. ARTICLE 2, PARAGRAPH 13 B OF THE ARMISTICE AGREEMENT PROVIDES THAT:

"...THE ISLANDS GROUP OF PAENGYON-DO, TAECHONG-DO, SOCHONG-DO, YONPYONG-DO, AN LU-DO...SHALL REMAIN

UNDER THE MILITARY CONTROL OF THE COMMANDER-IN-CHIEF, UNITED NATIONS COMMAND..."

B. ARTICLE 2, PARAGRAPH 15 READS:

" THIS ARMISTICE AGREEMENT SHALL APPLY TO ALL OPPOSING NAVAL FORCES, WHICH NAVAL FORCES SHALL RESPECT THE WATERS CONTIGUOUS TO THE DEMILITARIZED ZONE (DMZ) AND TO THE LAND AREA OF KOREA UNDER THE CONFIDENTIAL

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MILITARY CONTROL OF THE OPPOSING ELDE, AND SHALL NOT ENGAGE IN BLOCKADE OF ANY KIND OF KOREA."

C. NORTHERN LIMIT LINE:

THE UNC SIDE ESTABLISHED A NORTHERN LIMIT LINE (NLL) IN ACCORDANCE WITH THE PROVISIONS AND THE SPIRIT OF THE ARMISTICE AGREEMENT FOR THE PURPOSE OF PRE-

VENTING MILITARY CONFRONTATIONS IN AND AROUND THE CONTIGUOUS WATERS OFF DMZ AND LAND AREAS UNDER THE UNK JURISDICTION. THIS LINE HAD BEEN RESPECTED, WITHOUT CHALLENGE OR INTRUSION, BY EITHER SIDE FOR THE PAST TWENTY YEARS UNTIL OCTOBER 23, 1973.

3. NORTH KOREA'S VIOLATIONS OF THE ARMISTICE AGREEMENT AND PROVOCATIONS

A. AS DESCRIBED ABOVE, THE NORTH KOREAN NAVAL VESSELS HAVE PENETRATED ON NINE DIFFERENT OCCASIONS INTO THE WATERS CONTIGUOUS TO THE SAID FIVE ISLANDS IN TOTAL DISREGARD OF THE FACT THAT THE SEA AREA IS UNDER THE MILITARY CONTROL OF THE UNC AND THAT THE UNC HAS REPEATEDLY ISSUED WARNINGS AGAINST INTRUSIONS. SUCH PROVOCATIVE ACTS COMMITTED BY THE NORTH KOREAN SIDE CLEARLY CONSTITUTE A GROSS VIOLATION OF THE PROVISIONS OF PARAGRAPH 13 B AND 15 OF ARTICLE 2, OF THE ARMISTICE AGREEMENT OF 1953.

B. THE PREPOSTEROUS NORTH KOREAN DEMAND THAT UNC VESSELS SAILING TO THE ISLANDS GROUP SHOULD OBTAIN PRIOR PERMISSIONS, UNDER THE PRETEXT OF ITS JURISDICTION OVER THE CONTIGUOUS WATERS AS PART OF ITS "COASTAL WATERS", IS AN ATTEMPT TO ENGAGE IN BLOCKADE OF THE ISLANDS GROUP IN VIOLATION OF THE PROVISIONS OF PARAGRAPH 15 OF ARTICLE 2, OF THE AGREEMENT.

C. THE NORTHERN LIMIT LINE, WHICH HAS BEEN ESTABLISHED THROUGH PRACTICE AS AN INTEGRAL PART OF THE OVER-ALL CEASE-FIRE REGIME, HAS PLAYED VITAL ROLE IN PRESERVING PEACE IN THE WATERS FOR THE PAST CONFIDENTIAL

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TWENTY YEARS. THE DELIBERATE PENETRATIONS INTO THE NORTHERN LIMIT LINE BY THE NORTH KOREAN VESSELS, TOTALLING 107 OCCASIONS UP TO DATE, CAN ONLY BE REGARDED AS NEW MILITARY PROVOCATIONS LAUNCHED BY THE NORTH KOREANS FOR THE PURPOSE OF DISRUPTING THE CURRENT ARMISTICE REGIME IN DEFIANCE OF THE SPIRITS AND THE PROVISIONS OF THE ARMISTICE AGREEMENT.

4. GRAVE CONSEQUENCES OF THE NORTH KOREAN PROVOCATIONS (#)
IT IS THE
NORTHKOREAN SIDE ITSELF THAT SHOULD
BEAR THE SOLE RESPONSIBILITY FOR ANY GRAVE CONSEQUENCES

ARISING OUT OF ITS RECENT PROVOCATIONS AGAINST PEACE AND SECURITY ON THE KOREAN PENINSULA, IN VIEW OF THE

FOLLOWING:

A. NORTH KOREA'S ILLEGITIMATE CLAIM OF JURIS-
DICTION OVER THE WATERS CONTIGUOUS TO THE FIVE
ISLANDS GROUP IS AN ATTEMPT OT OBSTRUCT FREE PASSAGE
AND TO BLOCKAGE THE SAID ISLANDS;

B. NORTH KOREA'S HOSTILE AND PROVOCATIVE ACTS
IN VIOLATION OF THE ARMISTICE AGREEMENT IMPOSE
A SERIOUS THREAT TO THE ARMISTICE REGIME; AND

C. NORTH KOREA, BY CREATING FURTHER TENTIONS
ON THE KOREAN PENINSULA IN UTTER DISREGARD OF THE
PRINCIPLE OF PEACEFUL SETTLEMENT AS FIRLY
ENUNCIATED IN THE SOUTH-NORTH JOINT COMMUNIQUE,
IS ATTEMPTING TO DESTROY PEACE IN THIS AREA.
END QUOTE
UNDERHILL

NOTE BY OC/T: (#) OMISSION. CORRECTION TO FOLLOW.

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